# THE COURTS.

THE SCANNELL-DONOHOE KILLING.

Another Day's Session Exhausted in Getting a Jury-A New Panel Ordered-Seven Jurors Only Obtained.

THE JUMEL ESTATE CASE.

A Near Prospect of a Speedy Release-The Old Litigation Drawing to a Close-A Long Chase, but Little Hope of a Prize.

The Old Camden and Amboy Railread Company's Suit.

The Result of a Fire Years Ago and the Result of a Verdiet To-Bay--- A Long Contest Closing with a Heavy Verdict Against the Company --- Charge of Judge Loew to the Jury--- Damages \$45,000.

#### BUSINESS IN THE OTHER COURTS.

Summaries - The Taylor Will Case Business in the General Sessions-Decisions.

In the case of The People vs. John Scannell, indicted for the murder of Thomas Donohoe, the Court of Oyer and Terminer was yesterday engaged in the tedious preliminary work of obtaining a jury. Two jurors were obtained on Monday and five yesterday, giving seven jurors in the box, and five to obtain, if possible, to-day. Yesterday John Williams, Michael Crowley, John

Bryant and James Saunders, who are charged with mutiny on board the American ship Faaorita, were committed by Commissioner Shields in default of \$1,000 bail each.

The hearing of the case of George W. Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court before Judge Shipman and the special jury. Mr. J. C. Carter continued his suming up on the part of the defendant, and had not concluded at the rising of the Court. He will resume his argument to-day.

In the United States Circuit Court yesterday, in the collision case of The schooner Daniel Williams vs. The propeller Titian, Judge Blatchford ordered decree for the libellants, with an order of reference to a commissioner to ascertain and report the

In the suit of Marcus P. Woodruff vs. The Camden and Amboy Railroad Company, to recover damages for goods destroyed by fire at the Company's wharf, July 11, 1864, a special verdict was rendered yesterday giving the plaintiff \$44,499 01 damages. The case was tried before Judge Loew and a jury, in the Court of Common Pleas, the defence being that the plaintiff had accepted a bill of lading at Cairo, Ill., excepting risk from fire; but the jury found that no such agreement was made with the Camden and Amboy Railroad Company, and found them guilty of negligence.

The suit of Stephen Woolridge vs. The Mayor, &c., and the Metropolitan Fire Department, to recover \$24,000 damages for injuries received by the explosion of a fire engine in June, 1869, at the corner of Canal street and Bowery, was yesterday dismissed by Judge Barrett on the ground that the Metropolitan Fire Department was an independent State corporation, for whose acts the city was not re-

THE SCANNELL-DONOHOE KILLING.

Another Day Spent in Calling and Examining Jurors—Seven Only Obtained—The Prisoner in Court—The Case Adjourned Till This Morning.

The trial of this case was resumed yesterday, in the preliminary effort to obtain a jury. The panel of jurors was exhausted and the hour of adjournment had arrived, but that much-desired object was not attained. To facilitate the work of prowas constrained to adjourn a little before the usual hour. There was not as large an attendance as on the previous day, and the rowdy element was notably absent.

Judge Brady took his seat on the bench at the usual hour, when District Attorney Phelps and his assistants, acting for the people, and Messrs, Beach, Howe, Rummel and Spencer for the defendant, being in their places, the case was at once proceeded with.

The prisoner Scannell presents a wonderfully unmoved demeanor, and to the casual and uninformed spectator might appear, from his position among counsel, by far the most respectable and in-telligent member of the Bar engaged either for the prosecution or the defence. Close by his side sits his wile, an attractive-looking lady, whose presence among counses, by lar the most respectable and intelligent member of the Bar engaged either for the prosecution or the defence. Close by his side sits his wife, an attractive-looking lady, whose presence there, under such circumstances, it is most sad to look upon and think of. The aged mother of the unfortunate prisoner sat throughout the session yesterday to all outward appearance unconscious of everything but that her son's life was in jeopardy of the law, and that she ought to be there to see justice done to him, from the mother's reasonings and conclusions, involving, so naturally, the recollection of another son's untimely taking off and the brother's and son's retaliation for the same. On the whole it is as sad a group to contemplate as any that has too frequently of late imparted most of the sad and mournful surroundings to the principal figure on trial for his life.

THE EFFORT TO GET A JURY YESTERDAY.

Mr. Sparks, the Clerk of the Court, resumed the call of the panel after the formal opening of the Yourt. The first called was

THE THIRD JUROR.

Mr. Wells, on being examined, thought it was quite clear that a crime had been committed, but it would require evidence to convince him that the prisoner did the shooting, and then evidence to show that he had an excuse for it. The principal challenge was overruled, and on the challenge to the favor he said that he was not a warm friend of Mr. Bradley nor connected with a political organization nor a violent partisan for cither party. The challenge was withdrawn and he was sworn in as the third juror. He is a merchant living at 227 West Thirty-eighth street.

Herman A. Schweitzer was relieved from duty, mot being thoroughly conversant with English.

Jacob Schoenberger and Nelson R. Tucker were rejected, having decided opinions which would bias them.

Samuel Shottick, tallor, had an opinion, but as that was derived from newspapers and he thought there was no doubt he could try the case on the evidence alone, he passed the principal challenge, but was rejected on

Alexander Pollock had a strong opinion and was

Alexander Pollock had a strong opinion and was excused.

Augustus A. Weed, broker, of 113 West Twenty-third street, had read about the matter and had impressions that an offence had been committed, but did not know anything about the matter. He formerly lived at Greenwich, and had visited the Americus Club, but did not know that Donohoe was a member of it. The triers rejected him. Lewis Jacob, of 139 Chatham street, had a decloded opinion and was excused.

Hobert H. Waldron, printer, of 27 Park Row, was called and testified that he had read about the matter. He passed both the challenge for principal cause and the challenge to the favor, but was stopped by a peremptory challenge on the part of the prisoner.

Monmouth H. Chambers and Benjamin F. Harmon were both disposed of on principal challenge.

George W. Thorne had no knowledge whatever

of the circumstances, but was challenged peremptorily.

Theodore E. Studley, merchant, of 28 Park place, said that his opinion was formed simply from reading the newspapers. It was that scannell had sommitted some sort of offence: He thought he could not receive the evidence with the same indifference as if he had no impressions.

Notwithstanding this the theres accepted him and the prisoner also, and he was aworn in as seventh juror at 12:45 P. M.

John Harper was unable to decide on the evidence alone and was excused.

Alphonso Randall, engraver, of 201 West Fourteenth street, had formed no opinion on the case, though he thought he had read about it, and probably believed what he read, and had perhaps expressed his impression. The triers rejected him.

This exhausted the first panel, and the calling of the second was at once began without a recess.

THE NEW PANEL.

John Faber, of 122 West Fifty-third street, druggist, was the first to come from the new panel. He had read the story when it was first published, but not since.

Challenged peremptorily by the defence.

John K. Morewood, merchant, passed the principal challenge and the challenge to the favor, but was challenged peremptorily.

William L. Sonntag, artist, of 120 East Twenty-second street, had conscientious scruples as to the incompetent.

Edward T. Smith, Havelak M. Smith, Jacob Lowentells, William J. Stewart and Francis J. Adams were excused.

THE JUMEL ESTATE CASE.

#### THE JUMEL ESTATE CASE.

The Suit of Bowen vs. Chase-The Summing Up for the Defendant-Continuation of the Argument of Mr. J. C. Carter.

The hearing of the case of George W. Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court, before Judge Shipman and

the special jury.
Mr. Hoar, Mr. Chatfield, Mr. Chauncey Shaffer and Mr. Sawyer appeared as counsel for the plaintiff, and Mr. Charles O'Conor and Mr. J. C. Carter for the defendant.

Mr. J. C. Carter proceeded to continue the summing up of his argument on behalf of the defend-ant. He said Mr. Chase became possessed, in addi-tion to the title of his children, to the title of the only known heirs of Madame Jumel—he meant the Joneses. He brought a suit to set aside Madame Jumei's will of 1863 on the ground that it had been executed under undue influence. That will was set aside. The case was tried by eminent lawyers, and, of course, it would have been of the greatest moment to those who were maintaining the will if they could have found any other heirs but the Joneses, whose title Mr. Chase had bought out. Mr. Devine, of the firm of Martin & Smith, went to Providence to inquire for heirs; could not discover any one having a better title than Mr. Chase and the Joneses. They had then than Mr. Chase and the Joneses. They had then to fall back on the merits of the will itself. When it was seen that the last will of Madame Jumel was opposed to the wills of 1846 and 1851; opposed to the wills of 1846 and 1851; opposed to the hills of 1846 and 1851; opposed to the lite-long intentions of Madame Jumel and Mr. Jumel, what honest man could hesitate to say that that was not the real will of Madame Jumel. Having referred to the settlement that nad been effected under the will, \$80,000 having been given the charitable societies as legacies and \$40,000 to the Joneses, counsel asked the jury, Could a more honorable arrangement have been come to in the case? After all this was done, and in the year 1868, three years after the death of Madame Jumel, this man, George W. Bowen, appears, and says, "I am the son of Madame Jumel, you must clear out." We answer, "Madame Jumel never had a son." "Oh, yes! he says, I am her son; but I did not know it until recently." He has come in here to reap where he has never sown. Bowen you must clear out." We answer, "Madame Jume! never had a son." "Oh, yes! he says, I am her son; but I did not know it until recently." He has come in here to reap where he has never sown. Bowen had sworn that he would never have undertaken to recover this property on his own responsibility, and his first enterprise was to go to Edmonds & Fields and enter into an agreement with them to give them half what might be recovered. But, to the honor of Judge Edmonds, with such withesses as G. W. Bowen, Nodine, Anne Eliza Vandervoort and others, he would have nothing to do with the case. Bowen had sworn that he did not pay the lawyers; that he did not summon witnesses; that he had no trouble whatever in conducting the suit. The plaintiff was examined in Providence and Mr. Chase, desiring to find out who his antagonist was, had Bowen questioned as to whether he had any arrangement or contract with any person in reference to the conduct of the suits. He declined, by direction of his counsel, to answer. On the last trial Bowen was questioned as to the contract. He said it was with Dr. Joseph G. Tucker and Mr. George Shaffer, brother of the plaintiff's attorney of record and a clerk in his office. But the plaintiff did not produce that agreement; he said it was torn up, and it now turned out that the arrangement was with Dr. Joseph C. Tucker, brother of Mr. Gideon J. Tucker, who, if the case succeeded for the plaintiff, was to get one-tenth of the whole, with interest on disbursements. Dr. Tucker was to advance all the money necessary to conduct the suit, with the exception of some outlay for the taking of depositions in Providence. Counsel on the other side scemed to think that this was making a charge against them, but he did not make a charge. If the facts made a charge how cound he help it? was he to blame for it?

Counsel for plaintiff said, according to the law of this State and of the United States, it was allowable to make arrangements between counsel and client for the prosecution of a suit.

Counsel for plaintiff said, according to the law of this State and of the United States, it was allowable to make arrangements between counsel and client for the prosecution of a suit.

Mr. Carter replied that he agreed to that; but if the facts, as he said, implied a charge, he could not nelp it—he was not accountable for it. This was an organized conspiracy on the part of those who had agreed to prosecute this suit with Bowen in his name. It was an organized conspiracy under the lead, not of Bowen, but of other people who had negotiated with him, and who were total strangers to Madame Jumel, to carry on this suit in a court of justice, to deprive people of their possessions and of the very roof that gave them shelter. That was the nature of the suit—to take from them every dollar they had in the world; to strip them of the roof that covered them for thirty or forty years and send them houseless and penniess through life. This was an organized conspiracy to carry out this suit, not by anybody who ever chaimed to have an interest in the property, but by total strangers. The temptations in this case to commit perjury and labechood were great—temptations to participate in the plunder which it was expected would result from the swearing of witnesses who were brought up to testify to declarations that were never made. The defendant had strong ground for suspicion that when a man voluntarily went into an enterprise of that kind he had already resolved in his own mind; to employ means of whatever character were neswearing of witnesses who were brought up to testify to declarations that were never made. The defendant had strong ground for suspicion that when a man voluntarily went into an enterprise of that kind he had already resolved in his own mind to employ means of whatever character were necessary to achieve success. Look at the absurdity of the plaintiff's case. His claim was that he was born in the house of Freelove Bailou, and remained there until he was ten years of age; yet he states that he never heard who his mother was until the death of Freelove Bailou, in 1823, when he was twenty-nine years of age. Was it possible that he could have gone from infancy to manhood without ever having heard any one lisp the name of his mother? Would not Reuben Bailou, who is claimed to have been his father, have told him who was his mother. Bowen was in the habit of going to Saratoga after 1823, when, as he states, Freelove Bailou told him Mine. Juniel was his mother. He saw her at Saratoga, but did not make himself known to her. As he states, he saw her grossly insulted opposite the United States Hotel, and yet he never raised a hand to save from insult the woman who was claimed to be his mother. I' he knew all these long years that Mine. Juniel was his mother, what was the object of this secrecy? Why did he keep this knowledge locked up in his own breast, never giving the shightest intimation of it to any human being? Counsel on the other side said Bowen did not want to let his swie know that he was base born. Base born: Was not that fact well known in Providence? Had he not married a Providence girl, born within forty rods of him, and must not the base born! Was not that fact well known in Providence? Had he not married a Providence girl, born within forty rods of him, and must not the base born! Was not that fact well known in Providence? Had he not married a Providence girl, born within forty rods of him, and must not the base birth of Bowen have been known to her? It was in the total declarations of the was the mother o

tradictions that it was committed utterly to the flames. Counsel went on to state that flowen had made different and contradictory statements about his mother. Daniel Hull was the only witness for the plaintiff who in any way made a positive statement on that matter. The defendant's counsel had known of this man Hull as early as 1866, and Mr. Devine examined him to ascertain if he had known Betsy Bowen. Hull at that time was examined upon written interrogatories. Although no question was put to him on that inquiry about G. W. Bowen, yet he volunteered to state all he knew of that person. He said when he was examined that he was sevenity-six years old. He said he knew Phobbe Bowen, and that he saw her daughter, Betsy, going about the street with another girl; that was in 1861. They said Betsy Bowen had a child; there was a time when Betsy Bowen went to Providence and made a speech, they said. All Hull knew was that son, they said. Hull made different statements before the commissioner when his testimony was taken by Mr. Chatfield and Mr. Tucker. The change in his testimony was made under the new influences to which he had been subjected. He swore that Phoebe Bowen was in Providence, in North Main street, at a time when she was not there at all, and he also testified that Phoebe told him at a particular period that her daughter had married a rich Frenchman in New York in 1864, when it was conceded that at the time of the alleged conversation Phoebe was dead in North Carolina. Hull changed his testimony, but he said that Mr. O'Concr took an advantage of him; but how far Mr. O'Concr was likely to take an advantage of an old man nipon the stand the jury could judge for themselves. The examination of Hull had been conducted in the most orderly manner, and his answers were written down with the greatest care. The defendant had proved, by the production of the Providence Gazette, that Hull's father died in 1797, and his mother in 1800, of yellow fever. That was the statement he first made, and it was true; but alterwar tradictions that it was committed utterly to the flames. Counsel went on to state that Fowen had

placed under the training of those persons who were interested in the prosecution of this case, and was prepared to swear what was required of him. He mad another question to ask. Who made this old man Hull commit this mass of perjurices? Was Hull able to tell, with the astuteness of a lawyer, what the exigencies of this case required? What was the character of that other crime that sent forward this man to commit perjury for the purpose of stripping the defendant of the roof that covered him? Great as the offence of Paniel Hull was, the offence of those who procured this man to commit perjury and swear up to the necessities of the suit transcended the crime of perjury as much as murder did the offence of petty larceny. Counsel then, turning to another branch of the case, said there was no scrap of evidence showing who was the father of G. W. Bowen; it was necessary that something of that character should be got up; and this brought him to refer to the "King Henry Book." When Bowen went to Judge Edmonds Anne Eliza Vandervoort, the illegitimate daugnter of Lavina Ballou, went with him. The arrangement was that Judge Edmonds should have hall, and half was to be divided between Bowen and Anne Eliza Vandervoort. She brought two books with her to Judge Edmonds—one a family Bible and the other the "King Henry Book." Bowen swore that up to that thee he had not known anything of either of these two books. This "King Henry Book" had been put before the jury, and though it purported to be a declaration of Keuben Ballou that he was the father of G. W. Bowen, it amounted to nothing as a piece of evidence in this stag, the properties of the case the court adjourned till this morning, when Mr. Carter will resume his address to the jury. Yesterday, while the learned gentleman was speaking, the court room was very much crowded, the spectators hetemag attentively to the specch, which contained many cloquent passages.

#### THE OLD CAMDEN AND AMEOY RAILROAD SUIT.

The Burning of the Camden and Amboy Railroad Company's Wharf-Heavy Loss of Cotton and Suit for Recovery-Liabilities of Common Carriers-A Long Litigation Ending in a Verdict Against

the Company-Charge of Judge Loew. In the Court of Common Pleas, Part 2, Judge Loew presiding, an old soit, once before tried and in which the inry disagreed, has occupied the attention of the Court and a jury for several days past. The case was reported at length at the previous trial, and the circumstances will be, therefore, remembered. To state it in brief, the defendants-the Camden and Amboy Railroad Company—had in charge, for conveyance and delivery, a large amount of cotton, the property of the plain-tiff, Marcus P. Woodruff, and while still in their tiff, Marcus P. Woodruff, and while still in their charge and before delivery it was burned and destroyed in common with the burning and destruction of the company's wharf. The defendants contended that they were not liable by the conditions of their contract for loss by fire. The first jury failed to agree; but, under the clear and incid charge of Judge Loew to the jury who just tried the passe, that body has rendered a verdict for the piantiff in full.

In charging the jury Judge Loew said:—If you believe from the evidence that the cotton in questions.

believe from the evidence that the cotton in ques-tion was carried under the verbal agreement, as claimed and testified to on the part of the plainbelieve from the evidence that the cotton in question was carried under the verbal agreement, as claimed and testified to on the part of the plaining, then the defendants acted as common carriers or insurers, and as such became liable for all loss and damage except such as might be caused by the act of God or the public enemy, and as the fire by which the cotton in question was consumed does not come within the exception, it will be your duty to find a verdict in favor of the plaining, whether the fire resulted from the negligence of the defendants or not. But a common carrier may restrict his liability by express agreement, and if, therefore, you believe from the evidence that the plaining or his agent assented to the terms of or accepted the bill of lading as embedying the contract between the parties, then the delendants, by reason of the clause therein contained exempting them from liability for loss occasioned by fire, are relieved from responsibility and entitled to a verdict at your hands, unless you believe, either that the fire was caused or the cotton in question consumed by reason of the negligence of the defendants or their employes. The onus or burden of proving this negligence is on the plaintiff, and if he has established to your satisfaction, from all the evidence and the circumstances of the case, that the fire referred to resulted from negligence on the part of the defendants in case you find a verdict in favor of the plaintiff; otherwise you will find in favor of the plaintiff; otherwise you will find a verdict in favor of the plaintiff; otherwise you will find a verdict in favor of the plaintiff; otherwise to the purpose of the case, that the fire referred to resulted from negligence, then you will find a verdict in favor of the plaintiff; otherwise you will find in favor of the plaintiff; otherwise to the fire the value, I believe, is conceded to be \$27,893 80; and you may also, in the exercise of your discretion, allow interest thereon, which amounts to \$16,567 83.

The Judge also submitte

second, "It was."

Counsel for plaintiff, Messrs. Marsh and Shepherd; for defendants, Messrs. Cuyler and Santord.

# BUSINESS IN THE OTHER COURTS

MARINE COURT-PART L Action on the Law of Partnership.

Before Judge Joachimsen. Before Judge Joachimsen.

Toope & Co. vs. Thompson & Clendenning.—The plaintiffs claim to recover in this action about \$150 for certain castings made for a stone-oreaking machine on the order of the last-named defendant, but on the credit of both. Clendenning confesses judgment and appears as a witness on plaintifs' behalf. The defence of Thompson is that Clendenning being a distant relative, arriving from the South after the rebellion, out of business, he loaned him \$3,000 to start a quarry at Fort Lee, which sum was advanced from time to time as the business required it, and which sum was to be repaid so soon as the quarry became a success, and a rental was thereafter to be charged for the property, which Thompson held under a lease. The quarry speculation, however, proved a failure, and Thompson says he refused to advance further funds after the \$3,000 was exhausted; but afterwards did pay some bills which had been incurred before the time of the above refusal to workmen who could not afford to lose their bims and could get nothing out of Clendenning. The Court held that, under the evidence, a dormant partnership existed between Thompson and Clendenning in their relation to the plaintiffs, and left it to the jury to say whether there was a withdrawal from such partnership on the part of Thompson before plaintiffs' debt was incurred. Verdict for plaintiffs for full amount. For plaintiffs, Coulter and Foster; for defendant Thompson, Mr. West and Roger A. Pryor. judgment and appears as a witness on plaintins'

The Jane E. Taylor Will Case.

tatrix, Mrs. Jane E. Taylor, died September 14, 1872, leaving property valued at \$100,000 to a few intimate friends and her servants. She was married about thirty years ago to an Episcopal clergyman, but after living with her husband a short time they separated. Mrs. Taylor subsequently leased the house 708 Lexington avenue, and hyed there with her servants up to the time of her death. Her husband and three of her aunts now come into court and contest the will on the ground that she was incompetent to make it and that undue influence was used to make her dispose of her property among strangers.

strangers.

The two subscribing witnesses to the will, Acton The two subscribing witnesses to the will, acton cavil and Caleb B. Knavells, were examined. They testified that Mrs. Taylor signed the will in their presence, and that she seemed to be in the full possession of her faculties at the time.

The hearing was then adjourned.

#### COURT OF GENERAL SESSIONS-PART I. Statement of Assistant District Attorney Russell in Reference to the Trial of

Bail Cases.

Before Recorder Hackett. The first case disposed of by the jury yesterday was an indictment for a felonious assault preferred against David Buckley upon the complaint of David Curtin, who swore before the magistrate that on the 29th of September, 1872, Buckley, for some fancied indignity shown to his sister, drew a pistol from his pocket and threatened to shoot the complainant. It was evident from his testimony be-

plainant. It was evident from his testimony before the jury that he did not want to prosecute the
accused, for he swore that he did not know what
Buckley had in his hand. The jury rendered a verdiet of guilty of a simple assault, and His Honor remanded the prisoner for sentence.

James Curtin was tried and acquitted of a charge
of assault and buttery allered to have been committed upon Officer Whitcomb, of the Nineteenth
precinct.

mitted upon Officer Whitcomb, of the Nineteenth precinct.

Assistant District Attorney Russell said—Before closing this day's business I feel it due to the District Attorney's office that I should make a statement. Nearly all the prisoners indicted in this Court, I am informed, that were confined in the Clty Prison, have been tried, and during this present week we have been endeavoring to try the cases where the defendants were upon bail. I placed upon the calendar of this Court for trial this day twenty-two cases, and in only one of them have cases where the defendants were thought bain, it has day twenty-two cases, and in only one of them have we been able to get a trial. In every case we have been either compelled to forfeit the bail, or some of the witnesses for the prosecution were scattered to the four quarters of the carth. What we can do to get more of these cases tried it is impossible for me to say. I am informed by those who have had charge of the office previously, the same difficulty has been experienced before, when they endeavored to bring bail cases to trial. I propose to give a longer notice to produce defendants than has been given heretofore, and I will make an effort to try not only the prisoners which are in jail, but those cases where the parties are out on bail. The smallness of the amount of business done to-day demanding the attendance of Your Honor and a large number of jurymen, demands that I should make this statement in justice to the office.

#### COURT CALENDARS-THIS DAY.

COURT CALERDASS—THIS DAY.

SUFREME COURT—CIRCUIT—TRIAL TERM—Part 2—Heid by Judge Barrett.—Nos. 772, 1005, 1950, 2096, 5143g, 662, 663, 806, 946, 9983g, 1010, 1062, 1176, 556, 664, 804, 909, 964, 1180, 1182, SUPREME COURT—SPECIAL TERM—Held by Judge Van Brunt.—Demurrets—Nos. 6, 33, Law and Fact—Nos, 215, 216, 220, 212, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Monell.—Nos. 1899, 1753, 493, 2225, 1933, 1859, 1941, 1951, 1525, 1923, J. K.; 151, 257, 1963, 1965. Part 2—Held by Judge Van Vorst.—Nos. 2029, 1512, 1996, 1572, 1940, 1608, 1288, 1692, 726, 1308, 1574, 370, 2346, 300, 1360.

300, 1360.

SUPREME COURT—CHAMBERS—Held by Judge Davis.—Nos. 27, 40, 64, 102, 103, 111, 161, 174, 185, 201, 202, 212, 213, 214, 215, 216, 217, 218, 219, 220, 229, 220, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 240, 247, 248, 249, 250, 261, 263, 257, 258, 261, 266, 291, 293, 206, 208, 299. Call, 300. Court of Common Pleas.—Equity Term—Part 1—Deld by Judge Latremore.—Nos. 21, 52, 53, 60, 62, 55.

Court of Common Pleas.—Terlal Term—Part 1—Held by Judge Loew.—Nos. 653, 1751, 1797, 1741, 1753, 1559, 1560, 977, 1596, 1761, 1803, 1806, 1806, 1739, 1792.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1— COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Jurige J. F. Daly.—Nos. 50, 1709, 290, 1256, 1617, 2921, 1598, 1807, 3103, 1808, 1809, 1810, 1811, 481, 1812, 1813, 1815, 1816, 1817, 1818.

Marine Court—Trial Term—Part 1—Held by Judge Joa-himsen.—Nos. 1832, 1320, 2054, 1416, 1294, 1418, 1419, 1422, 1424, 1426, 1428, 1430, 1432, 1434, 1436, 1524, 1419, 1422, 1424, 1426, 1430, 1432, 1424, 1426, 1659, 1407, 2079, 735, 1257, 1437, 1103, 1227, 1351, 1293, 1433, 1461, 1465. Part 5—Held by Judge Spauding.—Nos. 83734, 932, 1744, 1729, 1702, 1703, 1704, 1707, 1709, 1713, 1712, 1715, 1732.

## BROOKLYN COURTS. \*

SUPREME COURT-SPECIAL TERM. A Diverced Couple.

Before Judge Pratt. Delia Carpenter brought suit for an absolute divorce from her husband, Robert Henry Carpenter, on the ground of adultery. The defendant did not appear, and the Court granted a decree in favor of the wile. The decree was flud yesterday. Decisions.

plaintiff \$402 85. The \$600 in hands of auctioneer cannot be recovered in this action.

Noah R. Colins vs. Philo B. Baldwin.—Motion to vacate order granted: \$10 costs.

J. A. Baldwin vs. G. A. Williams.—Judgment for plaintiff. See opinion.

People ex rel. Pelantion vs. Comptroller, &c.—Mandamus allowed.

In matter of petition, &c., St. Felix street.—Petition granted on behalf of all those residing between Fulton street and Hanson place, and denied as to those residing between Fulton street and be Kaib avenue.

## CITY COURT-TRIAL TERM. Bertha Steinfeld's Breach of Promise

Suit. Before Judge Thompson. In the suit of Miss Bertha Steinfeld against Her man Levy, to recover \$15,000 for an alleged breach of promise of marriage, testimony for the defence was taken yesterday. The defence are endeavoring to prove that the plaintiff was not of previous ing to prove that the plaintiff was not of previous chaste character, and there was evidence yesterday showing that on the passage to this country she was a great deal in the company of one Baron Yon Kin, to whom she afterwards said she was engaged to be married. One witness said that her conduct on the steamer "was not very proper." Moritz Herzberger, of New York, who introduced Levy to the fair plaintiff, testified that in October, 1870, he made Bertha's acquaintance on a Second avenue car, and that on the following evening she accompanied him to a house in Twenty-second street; they were on terms of improper intimacy. At that time the plaintiff was fiving in the house of Mr. New, on Second avenue, who stated yesterday that he had never heard her mention Levy's name.

# An Old Offender Geing Home.

Before Judge Moore, James Smith, a young desperado, who has already served one term in the State Prison of New York and another in Pennsylvania, was tried yes-terday for robbery. On the 15th of January last he waiked into the house of a Mrs. Garret, 44 Hicks street, and stole about \$60 worth of clothing, which he stuffed in a bag and carried to the street. He was seen leaving the house by a sister of the landady, a Miss Foster, who followed him until he reached Remsen street, where he sat on the stoop of a house to rest. Miss Foster, undaunted, walked up to him, and opening one of the bags was proceeding to examine the contents when he drew a knife and threatened to stab her. He then darted up Remsen street and ran into the City Hail, where he was secured by Detective Edward Riggs, of the Central office. When arrested the prisoner gave his name as McPartland, but his mother, who had for several years been endeavoring to reform him, went to the police station, exposed him and gave the officers information which led to the recovery of other property stolen by the young man.

The jury yesterday convicted the prisoner without leaving their seats, and Judge Moore, in passing sentence, surprised him by stating to him fully his antecedents. The Judge said that he was too dangerous a character to have in the community, and thereupon sentenced him to the State Prison at Sing Sing for the term of seven years. There were seven other indictments against Smith for robbery.

BROOKLYN COURT CALENDARS. he stuffed in a bag and carried to the street. He

# BROOKLYN COURT CALENDARS.

SUPREME COURT—GENERAL TERM.—Nos. 6, 22, 23, 24, 27, 28, 30, 31, 33, 35, 36, 37, 38, 40, 42, 44, 51, 52, 33, 54, 56, 58. CITY COURT—TRIAL TERM.—Nos. 1, 167, 186, 196, 139, 145, 214 to 222, inclusive; 224 to 228, inclusive, Court of Sassions.—The People vs. Celeste Carharte, keeping disorderly house; Charles A. Edwards, false pretences; Elizabeth Lewis, assault and battery.

# COURT OF APPEALS.

Decisions.

ALBANY, Feb. 11, 1873.
The following decisions have been rendered in Before Surrogate Robert C. Hutchings.

In this case, previously reported in brief, the tea
Judgments Amrined, with Costs.—Cushman vs.

Hatfield; Davis vs. New York Central and Hudson River Fadioad Company; McShaen vs. Same; Parley vs. McConneil; Griswold vs. Griswold; Tinney vs. Boston and Albany Rairoad Company; Pearsall vs. Pearsall; Lewis vs. Palmer; Hill vs. Priestley; Abbe vs. Allen.

Orders Affirmed, with Costs.—The People ex ret. Tuttle vs. Canal Appraisers of the State of New York; Same vs. Same; People ex rel. Brown vs. Green, Comptsoller, Ac.; Davis vs. Roberts.

Order Granting New Trial Reversed and Judgment on Report of Referee Affirmed, with Costs.—Johnson vs. Underhill.

Order Granting New Trial Reversed and Judgment on verdict Affirmed, with Costs.—Maginais vs. New York Central and Hudson River Rairoad Company.

Order of General Term Reversed and Order of Special Term Affirmed, Without Costs to Either Party.—Duffy vs. Donovan.

Judgment Reversed and New Trial Granted.—Isham vs. Davison. Hatfield; Davis vs. New York Central and Hudson

Judgment Reversed and New Trial Granted.
Isham vs. Davison.
Appeal Dismissed, with Costs.—Baulec vs. New
York and Harlem Railroad Company.
Motion Granted and Order Filed Herewith.—City
of Rochester vs. Hart.

Court of Appeals Day Calendar. The following is the Court of Appeals day calendar for February 12:-Nos. 110, 4, 65 %, 87, 200, 109,

#### THE ALLEGED RREACH OF TRUST CASE.

The Story of Mr. James Myers, as Told by His Lawyer.

In order to gain further particulars relative to the action brought against the late firm of Dimock, Myers & Co. by Mrs. Julia A. Beach, a reporter of the HERALD called upon the legal representative of Mr. Myers yesterday and obtained from him the following statement. He claims that a former story published in this paper is incorrect in many particulars and does injustice to his this:-Mrs. Beach, in the month of August, 1871, had a son for whom she wanted to secure a position in business. This wish she communicated to a friend, whose assistance she requested. This friend, being an acquaintance of Mr. A. J. Dimock, one of the firm of Dimock, Myers & Co., communicated with Mr. Dimock, and informed him of Mrs. Beach's desire. The result was that negotiations were entered into between Mrs. Beach and Mr. Dimock, and an arrangement was made whereby young Beach was to enter into the banking house of the firm as a clerk, at a yearly salary of \$500, to be payable in monthly yearly salary of \$500, to be payable in monthiy parts. Mrs. Beach on her part agreed to loan the nrm thirty-two Missouri State bonds, of the value of \$32,700, for one year, the period in which the agreement was to stand good, the firm either to return the bonds or their value in money at the expiration of the year. As security for the bonds the firm gave Mrs. Beach a note of hand for a little over thirty thousand dollars, the then market value of the bonds, and in addition 1,500 shares of Atlantic Mail Sieamship Company stock, worth at the time \$30,000. This agreement was signed in the rooms of the Safe Deposit Company, corner of Liberty street and Broadway, by Mrs. Beach and her son (who were accompanied by counsel), and the three members of the firm.

accompanied by counsel), and the three members of the firm.

Young Beach entered the house of Dimock, Myers & Co. in Septemoer, and immediately the bends were sold by the firm and converted into money. In January, 1872, Mr. E. Weston, one of the members of the house, withdrew, so that no responsibility is attached to him for anything that alterwards ensued. When young Beack had been some time in the house he commenced to speculate in stocks and for some time he was successful. His success was of short duration, however, and he soon lost more than the value of the bonds and a large sum of money besides which Mrs. Beach had deposited with the company. In these speculations the firm of Mr. Myers alleges that he used his mother's name as authority, and the firm acted on commission for her.

At the close of last year, owing, as Mr. Myers states, to losses incurred through Mrs. Beach, the firm of Dimock, Myers & Co, failed, Mr. Dimock having previously died. At the failure of the house Mrs. Beach came forward and claimed her bonds. She was told that the bonds were not forthcoming nor money to pay for them, and that, instead of the firm owing money to Mrs. Beach, Mrs. Beach owed money to the firm on account of the losses they incurred through her speculations. Mrs. Beach owed money to the firm on account of the rosses they incurred through her speculations. Mrs. Beach owed money to the firm on account of the rosses they incurred through her speculations. Mrs. Beach owed money to the firm on account of the rosses they incurred through her speculations. Mrs. Beach owed money to the firm on account of the rosses they incurred through her speculation of the rosses of the bonds.

rested for fraudulent misappropriation of the Missouri State bonds.
It will be seen by the foregoing statement that the stories of Mrs. Beach and Mr. Myers conflict, and it remains for a court of law to decide which of them is right.

## A STABLE GANG BATTLE.

Night Fight in a Twenty-third Street Stable-A Drunken Rough and a Companion Attack a Watchman, Who Defends His Life with a Whiffletree.

is a giant rough in build and habits, very much

like the late notorious Florence Scannell, Assistant Alderman of the Eighteenth ward, who met his By Judge Pratt.

In matter of proving last will, &c., of Ignatius Vossing.—On appellant stipulating to accept short notice of appeal to next General Term motion to dismiss appeal denied; \$10 costs and leave to respondent to renew motion, &c.

J. N. Smith vs. C. E. Jackson.—Judgment for plaintiff \$402 85. The \$600 in hands of auctioneer cannot be recovered in this attention. had in the ward. A number of times has he been discharged for drunkenness and other "irregularities." but on pleading reform has been reinstated in his employment. The last dismissal ended in the refusal of the proprietor to reinstate him, and this seems to have induced him to greater dissipation. About half-past eleven o'clock on Monday evening he and a companion named Thomas O'Connor, 217 East Twenty-sixth street, armed with a whiskey bottle, entered the stable at the above number, where Timothy Halvey is watchman. Knowing the desperate character of Corrigan, Halvey feared to order them out until they ad emptied the bottle of its contents and had broken it and strewn the fragments upon the floor of the office. This occurred about midnight. He then ordered Corrigan to leave, and, as he refused, ejected him. Corrigan and O'Connor returned to the office, and Corrigan made a furious attack upon Halvey, O'Connor assisting in the assault. Halvey driven to extremities, seized a assault. Halvey, driven to extremities, seized a whimetree, and dealt Corrigan several blows with it that rendered him insensible, and put both men hors de combat. Just at this juncture officer Walstead, of the Eignteenth precinct, put in an appearance and arrested Corrigan and Halvey. Rapping for assistance, other officers joined him, and the prisoners were conveyed to the Twenty-second street station house. Corrigan was very drunk, and notwithstanding he bled fearfuily he fought like a maniac. The police surgeon attempted to dress his wounds, but could not get near him, so great was his violence. Several officers were called to hold him, but the doctor was unable to examine his wounds, and, an ambulance arriving, he was sent to Bellevue Hospital for treatment. Fearing that the injuries might prove fatal the cautious Captain Tynau despatched officers to secure the third party to the \*Cmeute\*, Thomas O'Comnor, who was found and arrested. Halvey and O'Comnor were arraigned before Justice Scott yesterday morning, when Officer Walstead having presented a certificate that the wounds of Corrigan were not likely to immediately prove fatal the Justice committed Halvey, on the officer's complaint, to juil in defiant of \$500 bail. O'Connor, on complaint of Halvey, was also committed to await an indictment for reionious assault upon Halvey. Both men were locked up in the same cell at Essex Maraet, where they soon became good friends. A Herald reporter conversed with them later in the day in the cell. Halvey is a young, single man, who is represented by the police to be sober and industrious. whiffletree, and dealt Corrigan several blows with where locked upin the same cell at Essex Market, where they soon became good friends. A Hesald reporter conversed with them later in the day in the cell. Halvey is a young, single man, who is represented by the police to be sober and industrious. He stated that he acted in self-defence in all he did; that being responsible to his employer for the stable, when Corrigan and O'Connor threw the pieces of the broken bottle about the office he ejected the former, who returned and made a furious onslaught upon him. O'Connor coming to his aid and striking Halvey several blows he felt that his life would be in danger, and, seizing the whiffletree, he deait Corrigan a blow on the head that rendered it impossible for him to do further harm. Halvey said that Corrigan had been frequently discharged and was quarrelsome and dangerous. O'Connor, who was present at the interview, requested the reporter to state that he merely interfered to prevent Halvey killing his friend, Corrigan, with the whiffletree. The reporter subsequently called at Bellevue Hospital to see Corrigan. Warden Brennan being absent on business in Westchester county and the office incharge of a polite little boy, no information as to Corrigan could be obtained after searching for half an hour for the doctors. Finally the orderly of ward four, where Corrigan is located, was found, and he permitted the reporter to converse with the man. Corrigan, as a matter of course, denied the statement of Halvey, and declared that he was attacked first by Halvey and used his lists in self-defence. Halvey picked up the whiffletree and dealt him several blows, that rendered fins his heshelbe. He denied that he was drunk or had broken a bottle in the stable office. The police sustain Halvey's statement, and Captain Tynan says that with the information he has of the case he thinks Halvey would have been justified, under the circumstances, had he killed Corrigan outright. The Justice evidently toc the same view of the case, or he would scarcely have ventured to fix Halvey's bat

# THE MURDER MYSTERY.

A Profound Darkness Still Surrounding the Little Neck Tragedy-A Theory Which May Prove True-Further Clews Discovered-The Coroner's Inquest To-Day.

The hamlet of Little Neck is still wrapped in a sort

of stupid horror and amazement; but there is yet discovered no certain light which will reveal to the blinded sight of Justice the name of the murderer of James Graham. The stories told by the bewildered inhabitants, composing a population which is partly Irish, partly German and partly negro, are as various and as different as the stars in the firmament or the shells of the ocean, and most of them are founded more upon visions of fancy than those of reality. It has become, however, an accepted fact that the terrible deed was committed by some one who probably belonged to the neighborhood thereabouts, and certainly knew a great deal about the business affairs of the murdered man. Constable John H. Wright, formerly a detective on the New York force, was detailed by the District Attorney, Mr. Downing, to solve the mys tery which surrounds the tragedy, and in a quiet manner has been ever since it occurred engaged in gleaning a knowledge, one by one, of certain circumstances which at length, it is believed, will surely indicate the man or men whose souls are stained with the blood of this most fearful crime. If this supposed clew prove to be a sound one, there is no doubt that he will be placed behind the bars are many difficulties, however, in the way of securing complete evidence of guilt, and these may possibly be found to be insurmountable. Constable Wright is confident, however, of the success of his undertaking. flis colleague, Smith, was seen yesterday at Little Neck. The local constable, Roe, in the afternoon again caused the cisterns near the shop to be searched, but nothing was found of the character sought.

Around the dingy stove in the yellow-walled barcoom of the Little Neck Hotel rough and ruggedlooking men congregate in the afternoons and drink hot rum and smoke bad cigars perpetually, while they rehearse what they know or invent concerning the horror that hap pened in their midst. A study of their faces and manners is extremely difficult for a stranger satisfactorily to accomplish, and in the midst of it he is continually asking him self, "Which of these men is he who did this deed?" The elements of nationalities mix here with beautiful indifference, and the in-

seif, "Which of these men is he who did
this deed?" The elements of nationalities
mix here with beautiful indifference, and the infience of Queen's county rum, which is good in
quality, seems to beget an unusual affinity among
the races, which while it may not be founded upon
human kindness, but upon the chances of circumstance, suggests curious thoughts regarding the
social composition of the neighborhood.

A DOZEN HEIRS PRESUMPITYE.

The HERALD reporter yesterday talked with
Justice Prevost, of the town of North Hempstead,
asking him several queestions in regard to his
action on the morning of the discovery of
the dead body of Graham. The Justice is
an old and portly gentleman, with a jolly
and self-contented air—in fact, a type of an oldfashioned, wealthy country 'squire. Yet in this
character of being at peace with himself he seems,
in his ten or twelve years of office as a magistrate,
uot to have acquired any just conception of the attributes and limits of his authority. Now, after it
is too late to mend the harm that resulted in his
singular action in relation to the effects of the murdered man and the custody of the scene of the
crime, he acknowledges fully that he was in the
wrong and regrets his error. Strange to say, however, he still retains possession of the books and
papers of Graham, and yesterday stated that at the
request of the presumptive heirs he had already
taken out letters of administration, with the apparent intention of closing the affairs of the
estate. This, again, even before the Coroner
had completed an investigation, was rather
unseemly haste. He says that besides
John and Thomas Macreary there are five other
brothers and haif brothers of the deceased supposed to be in Ireland. A paper shows that at one
time Graham sent \$57 across the ocean to his
father, who is poor. These other heirs cannot posship have yet been consulted regarding the appointment of an administrator, and it is also
stated, upon legal authority, that Prevost lacks
certain qualifications require John Corrigan, of 226 East Twenty-sixth street,

alarm was given, the ghastly room was first entered by the blacksmith Bennem and another person who happened to be in his shop at the time. A colored man, named John Peterson, who lives in a neat house near by and is the barber of Little Neck, was called to the door by these two men and asked by them to ascertain whether Graham was dead. He refused to do so unless they would enter also again as witnesses. They all went in together, and Peterson leit of the pulse of the murdered man and found that it had long since ceased to beat, and the flesh was cold and rigid. The next, or nearly the next, arrival was that of 'Squire Prevost, with the two laborers employed on his farm, who, on hearing of the tragedy, had informed him of a fact of which he never knew anything before—namely, that they were half-brothers of Graham.

They centreated him to accompany them to the village to see the corpse and to take care of some property of theirs, which, they said, was kept in the shop. They seemed when they came heart-broken at the sight of the body, and then went upstairs to look after the trunks and boxes which, they said, belonged to them. Prevost, according to the testimony of John Macreary at the inquest on Saturday, was present and allowed them to take some clothing, which they claimed as their own, to pick up and change the positions of articles which were scattered about, and received from their hands. The former were accounts with the Emigrant's, the Bowery, the Third Avenue and the Seamen's Savings Banks, and there were other new ones, which belonged to himself and to a man named James Collins. He had otten seen Graham examining these and counting up his riches, and was in the habit with his brother of visiting him several evenings during the week; he had not visited him sence the Sunday previous. Alterwards, when cross-questioned, he hesitatingly said that he had also been to see him a short time on Tuesday might. Drs. Hoag, Reimer and Porter examined the remains. The opinion of the former, given yesterday to the Eus

#### DEATH OF A PRISONER IN THE TOMBS. He Was About To Be Married.

Since the 16th ult. John Harrold, an Englishman thirty-four years of age, has been confined in the Tombs on a charge of embezzlement, and during the last few days he has been seriously indisposed. the last few days he has been seriously indisposed. About half-past seven o'clock yesterday morning he became suddenly werse, and died soon afterwards. Several hours after Harroid's death an unconditional discharge was sent to Warden Finley, but the unfortunate man had passed beyond the reach of all human processes. Deputy Coroner keo, who made a superficial examination of the body, was of the opinion that Harroid died of pleuro pneumonia. Coroner Kessler has the case in charge. Deceased was soon to have been martined to an estimable young lady.